

1 BILL NO. S-87- 03 - 15 (as amended) (as amended) (as amended)  
2 (as amended)

3 SPECIAL ORDINANCE NO. S-

*Wickham*

4 AN ORDINANCE AMENDING CHAPTER 7 OF  
5 THE MUNICIPAL CODE OF THE CITY OF  
6 FORT WAYNE, INDIANA BY ADDING A NEW  
7 ARTICLE II., ENTITLED "TRANSIENT MERCHANTS".

8 WHEREAS, Chapter 7 of the Municipal Code of  
9 the City of Fort Wayne, Indiana is being currently  
10 revised; and

11 WHEREAS, Chapter 7 of the Municipal Code of  
12 the City of Fort Wayne, including Article IX. Division 3  
13 which governs Transient Merchants has been repealed; and  
14

15 WHEREAS, a revised version of an Article  
16 governing Transient Merchants will better enable the  
17 City to regulate them.  
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
20 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:  
21

22 SECTION 1: That the Municipal Code of the  
23 City of Fort Wayne, Indiana is hereby amended by adding  
24 a new Article II. of Chapter 7, which new article  
25 consists of the following language:  
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1 PAGE TWO

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3 ARTICLE II. TRANSIENT MERCHANTS.  
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5  
6 Sec. 7-20. "Transient Merchant" defined.  
7

8 The words "transient merchant," when used in this  
9 division, shall include all persons, firms or  
10 corporations, both as principals and agents, or any  
11 promoter of an event who engage in, do or transact, any  
12 temporary or transient business in this city, for a  
13 period of one hundred twenty (120) days or less, either  
14 in one locality or in traveling from place to place in  
15 this city, offering for sale or selling goods, wares or  
16 merchandise, including but not limited to items  
17 containing gold, silver or precious stones, and/or  
18 services, including those who, for the purpose of  
19 carrying on such business, hire, lease or occupy any  
20 permanent or mobile building, structure, real estate, or  
21 any other place, for the exhibition of means by samples,  
22 catalogues, photographs, and price lists or sale of such  
23 goods, wares or merchandise, including items containing  
24 gold, silver or precious stones, and/or services.  
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6 Sec. 7-21. Permit; Required.  
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8 It shall be unlawful for any transient merchant to do or  
9 transact any business in the sale of goods, wares or  
10 merchandise of any and every kind, make and description,  
11 and/or services, without first obtaining a permit  
12 therefor as herein provided.  
13

14 Sec. 7-22. Permit; Application.  
15

16 Each transient merchant desiring to engage in, do and  
17 transact business in the city shall file a verified  
18 application for permit for that purpose with the city  
19 controller which application shall state the person's  
20 name, residence, building, permanent or mobile building,  
21 structure, real estate, or other place in which she/he  
22 expects to do business and the make and character of the  
23 goods, wares and merchandise including but not limited  
24 to any items containing gold, silver or precious  
25 stones, and/or services, she/he intends to sell.  
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Sec. 7-23. Permit fee; issuance; term.

Each transient merchant shall pay to the city controller for a permit the sum of three hundred dollars (\$300.00), and on the filing of the application and the payment of the permit fee as herein provided, the city controller shall issue a permit to do business as such at the place described in the application for a period of not less than one hundred twenty (120) days.

Sec. 7-24. Permit; Transfer.

No permit issued under the provisions of this subdivision shall be good for more than one location and it shall not be transferable.

Sec. 7-25. Refund of permit fee.

The controller of the city will refund the permit fee that has been paid herein if such transient merchant remains in business longer than one hundred twenty (120) days.

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2 PAGE FIVE  
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5 Sec. 7-26. Violation and Penalty.  
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7 (a) Any permittee under this article violating any  
8 provision thereof shall be subject to permit revocation  
9 or suspension pursuant to the provisions of this  
10 article.  
11

12 (b) Any person who violates any provision of this  
13 article shall be subject to a fine of not less than  
14 three hundred dollars (\$300.00) and not more than one  
15 thousand dollars (\$1,000.00). Each day such violation  
16 is committed or permitted to continue shall constitute a  
17 separate violation.  
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6 SECTION 2: Severability. Should any section,  
7 paragraph, sentence, clause or phrase of this ordinance  
8 be declared unconstitutional or invalid for any reason,  
9 the remainder of said ordinance shall not be affected  
10 thereby.  
11

12  
13 SECTION 3: This ordinance shall be in full  
14 force and effect from and after its passage, and any and  
15 all necessary approval by the Mayor and legal  
16 publication thereof.  
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20 \_\_\_\_\_  
COUNCILMEMBER  
21

22 APPROVED AS TO FORM AND LEGALITY.  
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24  
25 \_\_\_\_\_  
Stanley A. Levine  
Attorney for Common Council  
26 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1987  
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13 promoter of an event who engage in, do or transact, any  
14 temporary or transient business in this city, for a  
15 period of one hundred twenty (120) days or less, either  
16 in one locality or in traveling from place to place in  
17 this city, offering for sale or selling goods, wares or <sup>services</sup>  
18 merchandise, including items containing gold, silver or  
19 precious stones, and including <sup>but not limited to,</sup> those who, for the  
20 purpose of carrying on such business, hire, lease or  
21 occupy any permanent or mobile building, structure, real  
22 estate, or any other place, for the exhibition of means  
23 by samples, catalogues, photographs, and price lists or  
24 sale of such goods, wares or merchandise, including  
25 items containing gold, silver or precious stones.  
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23 goods, wares and merchandise including <sup>but not limited to,</sup> any items  
24 containing gold, silver or precious stones she/ he  
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1 PAGE FOUR

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4 Sec. 7-23. Permit fee; issuance; term.

5  
6 Each transient merchant shall pay to the city controller  
7 for a permit the sum of five hundred dollars (\$500.00),  
8 and on the filing of the application and the payment of  
9 the permit fee as herein provided, the city controller  
10 shall issue a permit to do business as such at the place  
11 described in the application for a period of not less  
12 than one hundred twenty (120) days.  
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15 Sec. 7-24. Permit; Transfer.

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17 No permit issued under the provisions of this  
18 subdivision shall be good for more than one location and  
19 it shall not be transferable.  
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24 The controller of the city will refund the permit fee  
25 that has been paid herein if such transient merchant  
26 remains in business longer than one hundred twenty (120)  
27 days.  
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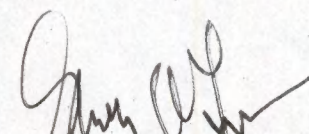
PAGE FIVE

SECTION 2: Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY.

  
\_\_\_\_\_  
Stanley A. Levine  
Attorney for Common Council  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1987



Read the first time in full and on motion by Ed Redd, seconded by Ed Redd, and duly adopted, read the second time by title and referred to the Committee Ed Redd 1974 (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

WIN MOSES, JR., MAYOR



BILL NO. S-87-03-15

4 amendments

Meeting April 7

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE  
MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974  
TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) (RESOLUTION) AMENDING CHAPTER 7 of  
THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA BY ADDING A  
NEW ARTICLE II, ENTITLED "TRANSIENT MERCHANTS"

WITHDRAWN!

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~XXXXXXXXXX~~)

YES

NO

Withdrew  
[Signature]  
[Signature]  
[Signature]  
Janet D. Bradbury  
Samuel J. Talano

CONCURRED IN

4-14-87

SANDRA E. KENNEDY  
CITY CLERK